

PARKER LAW FIRM

Debra D. Parker

ATTORNEY AT LAW

24 January 2011

Hon. Pat Ingraham, Chair
House State Administration Committee

Re: HB 306 to eliminate the requirement for a notary public to keep a journal

Dear Chairperson Ingraham and Members of the Committee:

I am an attorney and a notary. I oppose the bill that would eliminate the requirement that notaries to keep a journal. The journals are inexpensive, easy to use and a good idea, both in terms of record keeping and reminding notaries of the essential elements of a valid notary *jurat*.

As an example, I currently represent a lender whose security interest in a vehicle is being challenged in a lawsuit because a notary notarized a title document outside the seller's presence. The purchaser had presented a pre-signed title certificate, and the notary signed it and affixed her seal. The seller now claims the vehicle was stolen. A journal entry requiring the sellers signature might have prevented this situation.

The notary's \$10,000 bond would not make my client whole. I suspect there are few transaction irregularities in today's world that could be cured for \$10,000. I urge the committee to reject this bill.

Sincerely,

Parker Law Firm



Debra D. Parker

EXHIBIT

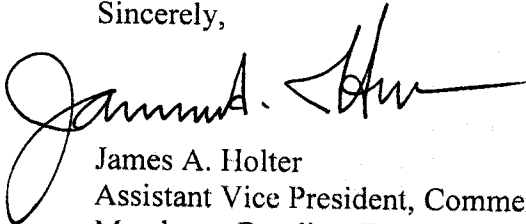
DATE

The notary journal protects the interests of the business community as well since many businesses require that one of their employees be a notary, and then the business gets brought into a lawsuit based on an alleged forgery. Armed with the notary's journal, counsel can set up a meeting with the claimant and establish with the benefit of the notary's journal that there had been no error or omission by the notary. Without the benefit of a well maintained notary journal, it is very difficult to establish that the notary was not guilty of misconduct, thus subjecting the business to significant liability and attorney fees.

Accordingly, as an underwriter of bonds and insurance for notaries, we believe that the requirement that a notary maintain a journal is critical to protecting the rights of the notaries and their employers from false claims of notarial misconduct, and is also a significant benefit to both law enforcement and the public at large.

Feel free to contact us with questions or concerns on this topic.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Holter", with a stylized flourish at the end.

James A. Holter
Assistant Vice President, Commercial Surety Manager.
Merchants Bonding Company